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10/825,876

04/16/2004

Edward J. McGunn

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06/14/2006

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
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SUITE 3800
CHICAGO, IL 60661

EXAMINER

LEE, BENJAMIN C

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,876

Applicant(s)

MCGUNN ET AL.

Examiner

Benjamin C. Lee

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Status

1. Claims 44-62 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 54 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) In claim 54, lines 1-2, "the monitored activities" lacks antecedent basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 44-45, 48-49, 53-54, 57-59 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Meeker (US pat. #5,742,034).

1) Regarding claims 44-45:

Meeker discloses the claimed safe (10 of Fig. 1) comprising: a housing (Fig. 1); a door (12) moveably mounted to the housing; an electronic lock including a lock control circuit for selectively opening or locking the door (40 according to col. 3, line 10-25); and a control unit ("CPU") operatively associated with the electronic lock for monitoring activities (including

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transactions performed with the electronic lock of claim 45) performed with the safe, (col. 3, line 54 to col. 4, line 22, 35-39 and 47-52), the control unit comprising a communication interface for communication on an external network, the control unit transmitting information associated with the monitored activities to a user via the external network (information communication through communication port 154 according to col. 4, lines 45-53.)

2) Regarding claim 48, Meeker met all of the claimed subject matter as in claim 44, including the claimed: wherein the control unit monitors transactions with the electronic lock over a period of time and records information related to said transactions that identifies the type of transaction performed through the electronic lock, and the recorded information is transmitted over the communication interface (col. 3, line 60 to col. 4, line 53.)

3) Regarding claim 49, Meeker met all of the claimed subject matter as in claim 48, including the claimed: wherein the control unit stores an audit trail of monitored transactions including security information associated with each monitored transaction (col. 4, lines 44-53.)

4) Regarding claim 50, Meeker met all of the claimed subject matter as in claim 44, including the claimed: wherein the control unit comprises a programmed computer using a graphical user interface based operating system (20, 22, 24 of Fig. 1 and col. 2, lines 21-53 which includes disclosure of a CPU and software.)

4) Regarding claims 53 and 57-58, Meeker met all of the claimed subject matter as in the consideration of claims 44, 48 and 49, respectively.

5) Regarding claim 54, Meeker met all of the claimed subject matter as in claim 53, plus the consideration of claim 45.

6) Regarding claim 59, Meeker met all of the claimed subject matter as in claim 53, plus the consideration of claim 50.

7) Regarding claim 62, Meeker met all of the claimed subject matter as in claim 53, including:

--the claimed wherein the control unit selectively marks the recorded security information in response to the occurrence of at least one specific transaction (“date”, “time”, “nature”, “tampering”, “transaction numbers” selective indications/marks according to col. 4, lines 41-43 and col. 3, line 65 to col. 4, line 3.)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 46 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker in view of Wagner (US pat. #3,878,511).

1) Regarding claim 46, Meeker met all of the claimed subject matter as in claim 44, except: the claimed wherein the electronic lock comprises a duress sensor and the control unit transmits indication of a duress condition determined by the duress sensor.

Meeker’s safe includes monitoring and reporting by transmission of a security condition in the form of tampering (col. 4, lines 1 and 15-16), while Wagner teaches a lockable safe which includes a duress sensor allowing an authorized person to summon help by transmission of the

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duress condition in case of emergency such as under the threat of a person intent on gaining unlawful access to the safe (col. 9, lines 35-51 and col. 11, lines 8-24). In view of the teachings by Meeker and Wagner, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include a duress sensor and indication transmission feature as taught by Wagner in a safe monitoring and reporting system of Meeker so that a duress condition can be monitored and reported to enhance the security and safety of the safe as well as the authorized personnel.

2) Regarding claim 55, Meeker met all of the claimed subject matter as in claim 53, plus the consideration of claim 46 in view of Wagner.

8. Claims 51 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker.

1) Regarding claim 51, Meeker met all of the claimed subject matter as in claim 44, except: specifying the claimed modem.

However, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include a modem in the remote communication system using communication port 154 in Meeker so that information communication can be implemented in the form of modulated/demodulated data for secure and reliable communication of such information.

2) Regarding claim 60, Meeker met all of the claimed subject matter as in claim 53, plus the consideration of claim 51.

9. Claims 47 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker in view of Bentley (US pat. #6,529,723)

1) Regarding claim 47, Meeker met all of the claimed subject matter as in claim 44, except: the claimed wherein the control unit transmits information associated with the monitored activities to a user via the external network with an email notification.

While Meeker did not specify the type of notification format with the reporting/transmission of information associated with the monitored activities, Bentley teaches the known use of email as a way of notifying a user of the monitored activities including door lock activities (col. 3, line 53; col. 4, lines 48-53; col. 5, line 47.) In view of the teachings by Meeker and Bentley, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to implement an email notification as taught by Bentley in a system such as taught by Meeker as a convenient way of user notification based on user's preference.

2) Regarding claim 56, Meeker met all of the claimed subject matter as in claim 53, plus the consideration of claim 47 in view of Bentley.

10. Claims 52 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeker in view of Nishijima (US pat. #5,915,069)

1) Regarding claim 52, Meeker met all of the claimed subject matter as in claim 44, except: the claimed further comprising a video capture device operatively associated with the control unit for monitoring an external area proximate the safe, wherein the monitored activities comprise video information recorded by the control unit.

In the same art of monitoring a safe, Nishijima teaches a video capture and recording system on a safe that is integrated with the safe's transaction activity sensors such as door sensors and motion sensors for remote monitoring (Figs. 1 and 6; col. 3, lines 1-61.)

In view of the teachings by Meeker and Nishijima, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include video monitoring as taught by Nishijima in the safe monitoring system of Meeker so that video monitoring as well as video evidence can be included for detail analysis and evidence proof purposes.

2) Regarding claim 61, Meeker met all of the claimed subject matter as in claim 53, plus the consideration of claim 52 in view of Nishijima.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Lewis et al., US 6,527,172

--A known use of video monitoring of a safe's proximity (col. 4, lines 44-49.)

2) Duhamel et al., US 5,541,585

--A known use of video monitoring incorporated with door open and lock status sensors

(Fig. 3.)

3) Saylor et al., US 6,400,265

--A known use of email notification for video monitored conditions (Abstract and col. 5, line 66.)

4) Kovens et al., US 6,050,447

--A similar lockable vending machine with control and monitoring including video monitoring.

5) Do, US 6,508,397

--A similar self-defense ATM.

6) Sunyich, US 4,939,352

--A similar safe monitoring and remote reporting system.

7) Luciano et al., US 6,843,720

--A similar lockable dispensing apparatus.

8) Kletzmaier et al., US 5,219,386

--A similar locker managing system.

9) Wang, US 6,659,341

--A similar ATM machine.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963.


The examiner can normally be reached on Mon -Thu 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Benjamin C. Lee
Primary Examiner
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B.L.